Charles S. Boyer.

vs.

Willis Boyer et. al.

**

No. 10,939 Equity.

In the Circuit Court for Frederick County, Sitting as a Court of Equity.

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To the Honorable Judges of said Court; -

In pursuance of an order of the Court dated July 23,1924, and notice given me by the Solicitor for the Complainant, I, Harry C. Hull, one of the Standing Examiners of your Honorable Court, duly commissioned, qualified and sworn, did, on the 28th and 29th days of July, A.D. 1924, at the law Office of Sherman P. Powers and at Montevue Hospital in Frederick Couty, State of Maryland, at the hours of 2 o'clock, P.M. and 10 o'clock, A.M., respectively, proceed to take the following depositions of the witnesses in said cause, then and there produced before me.

Present;-

Schliciter for Complainant.

Solicitor for Defendants.

Witnesses:-

C.S.Boyer
lewis F.lockner
Willis Poyer.

Charles S. Boyer, a witness of lawful age, produced on the part of the Complainant, being first duly sworn, deposes and says as follows;-

My name is Charles S.Royer, I am 81 years of age. My wife died November 3,1923, She and I were compelled to come here to Montevue and I am making my home at Montevue Rospital now. I am the oldest living child of our father, Peter Boyer deceased, who died on or about July 12,1891, without a Will. My father left surviving him my mother, Catherine A. Royer, Myself, Charles S. Boyer, James A. Royer, unmarried, who died in 1909. Willis Royer, now married to Laura J. Boyer, Frederick, Co., Md. Florence, a daughter, now married to Jos. Baumgardner, Frederick Co, Md. Rachael, a daughter, widow of George Cook, deceased, Eliza, a daughter, widow-now married to Daniel Etzler, Alice, a daughter, who died in 1922, leaving as her present heirs at law and next of kin; a husband, William Krantz; son, Charles E. Krantz, son, Henry C. Krantz; daughter Mary C. (Krantz) Smith, now a widow; and Margaret A. Krantz, unmarried, a daughter, all adults. Anna, a daughter, who died in infancy.

My father, Peter Boyer, died seized and possessed of the real estate and premises mentioned in the Deed from Sarah E. Zellers and husband, unto Peter Boyer, dated April 3, 1872 and duly recorded in liber C.M.No.8 folio, 200, one of the Land Records of Frederick County for 71 acres. Of this 71 acres, about 45 acres ysed to be tillable, but now it is grown up in underbrush. The other 27 acres is woodland, some good and some bad. He also owned the land described in the deed from Charistena Boyer and others, dated March 8. 1865, and duly recorded in Liber J.W. I.C.2, folio 422, one of the Land Records of Frederick County, for 52 acres of land, more or less. This is a mill property. Twelve acres of this was used for pasture, and the remainder is mill pond space and woodland. The old mill is still standing but is quite dililidated and there is a part of an ond store building still standing. My mother, Catherine A. Boyer, owned the land mentioned in the deed from Eliza Boyer unto her, dated December 28, 1891, and duly recorded in liber J. I.J. 1 folio 54, one of the land records of Frederick County, for 84 acres. Of this amount, about 25 acres are tillable, and the remainder is grown up in bushes and woodland. My brother James A. Boyer, never married. He owned at the time of his death the land mentioned in the deed from Adam Boyer and wife, and others, dated March 24, 1900, and duly recorded in Liber D.H.H.No.5 Folio 630. one of the Land Records of Frederick County, for 28 acres of land, more or less. This is woodland. My brother, Willis, and some of us, have lived on the tracts since the death of our father, Several times we have tried to sell and divide